

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation, MDL 2817*

No. 1:18-CV-864

This document relates to:

Hon. Robert M. Dow, Jr.

ALL ACTIONS EXCEPT *i3 Brands, Inc., et
al. v. CDK Global, LLC, et al.*, No. 19-cv-1412

Magistrate Judge Jeffrey T. Gilbert

**STIPULATED ORDER AS TO SCHEDULE FOR SUMMARY JUDGMENT
SURREPLY AND SUR-SURREPLY**

Reserving all rights, the parties have stipulated as follows as to the filing of a surreply and sur-surreply relating to evidentiary objections lodged by Plaintiffs in their August 28, 2020 reply filings in support of their motions for summary judgment.

1. On August 28, 2020, the parties filed their reply briefs and related Local Rule 56.1 responsive statements in support of their respective summary judgment motions.

2. That same day, Defendants' filed a motion for leave to respond to objections that Plaintiffs' lodged as to certain evidentiary materials cited in Defendants' Joint Statement of Common Undisputed Material Facts in Support of Their Motions for Summary Judgment. *See* Dkt. 1126. The Court granted that motion at a hearing on September 3. Dkt. 1151.

3. At the same hearing, Defendants advised the Court that they intended to move for leave to respond to similar objections that Plaintiffs included in their August 28, 2020 reply brief (Dkt. 1137) and response to Defendants' July 28, 2020 Statement Of Additional Material Facts In Opposition To MDL Plaintiffs' Motions For Summary Judgment On Defendants' Counterclaims (Dkt. 1139).

4. The Court thereafter gave Defendants permission to file a motion for leave to file a sur-reply by September 18, 2020, but noted that it was inclined to grant Plaintiffs a sur-surreply if the sur-reply were allowed. Dkt. 1151.¹

5. In response to the discussion at the September 3 hearing and the Court's order, and so as to eliminate the need for further motion practice, the parties have conferred and agreed upon a schedule for submission of short supplemental filings by the parties. Specifically, the parties have agreed as follows:

- Defendants will file their surreply, of no more than 5 pages, on September 18;
- Plaintiffs will file their sur-surreply, of no more than 5 pages, on September 28.

6. The parties further stipulate and agree that both the surreply and sur-surreply will be limited to addressing the evidentiary objections raised in Plaintiffs' August 28, 2020 filings, and that neither side will include any arguments on the merits of the summary judgment motions.

¹ The order reads: "Plaintiffs given leave to file a motion for leave to file a sur-reply by 09/18/2020. Counsel were advised that should the Court grant the motion, it may be inclined to seek a sur-sur-reply by Defendants"; the parties understand that the Court inadvertently transposed "Plaintiffs" and "Defendants" in that order.

STIPULATED AND AGREED:

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SO ORDERED:

DATED: September 10, 2020



Hon. Robert M. Dow, Jr.
UNITED STATES DISTRICT COURT JUDGE